

Beatrice

Board of Public Works

City of Beatrice, Nebraska

ADMINISTRATION OFFICE – 400 ELLA STREET – BEATRICE, NE 68310
SERVICE CENTER – 500 NORTH COMMERCE STREET – BEATRICE, NE 68310
PHONE (402) 228-5211 – FAX (402) 228-2312

BOARD POLICY: #144

DATE: March 11, 2015

SUBJECT: Procedural Policies for Utility Disconnection

I. Right to Disconnect

The City of Beatrice (hereinafter “City”) may disconnect utility service for any of the following reasons or for any other reason permitted by federal, state or municipal law.

1. Failure to meet the applicable provisions of law.
2. Violation of the ordinances or regulations pertaining to utility service.
3. Nonpayment of past or present utility bills.
4. Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise.
5. Molesting any meter, seal or other equipment controlling or regulating the supply of utility service.
6. Theft or diversion and/or use of service without payment therefor.
7. Vacancy or abandonment of premises.
8. Change in name of person to be billed.

II. Delinquent Bills

1. All bills for utility service are due and payable the day they are placed in the mail.
2. Payment is allowed for not less than fifteen (15) calendar days after the bill is mailed. After that date, referred to as the delinquent date, the bill is delinquent and payable at that amount and any penalties.
3. If a bill becomes delinquent, a disconnect notice will be served, upon any customer, in compliance with Section III and IV of this procedural policy. Disconnection shall be set for not less than seven (7) business days after the date upon which the bill became delinquent.
4. Should any of the dates of this Section fall upon a Saturday, Sunday, or a holiday observed by the Board of Public Works, then such date shall be extended to the close of the next business day.

III. Serving Disconnect Notice

At least seven (7) business days before disconnection of utility service, the City shall give notice by first class mail or in person to the customer whose utility service is to be disconnected. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. The City also has available to customers a third party notice whereby the City will serve the notice of disconnection on the designated third party by first class mail or in person.

IV. Contents of Disconnect Notice

The disconnection notice, by state law, shall contain at least the following information.

1. The reason for the proposed disconnection;
2. A statement of intention to disconnect unless the customer either pays the bill or reaches an agreement with the utility regarding payment of the bill;
3. The date upon which service will be disconnected if the customer does not take appropriate action;
4. The name, address and telephone number of an employee designated by the City to whom the customer may address an inquiry or complaint;
5. A statement explaining that the customer has a right, prior to the disconnection date, to request a conference regarding any dispute over the proposed disconnection;
6. A statement that the City will not disconnect utility service until the conference is concluded;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the customer or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate must be filed with the City within five (5) calendar days of receiving notice of disconnection and will prevent the disconnection of utility service for a period of thirty (30) calendar days from such filing. Only one (1) postponement of disconnection shall be allowed for each incidence of non-payment of any due account;
8. A list of all monies that must be remitted to the City for reconnection, including any reconnect charges and payment of all past due accounts;
9. A statement explaining that the customer may arrange with the City for an installment payment plan; and
10. A statement to the effect that those customers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard.

V. Conference with Utility Customer

Upon a written request by a customer for a conference, the City shall:

1. Have the Beatrice Board of Public Works (hereinafter "BPW") Office Manager hear and decide all matters at the conference.
2. Schedule a conference within fourteen (14) calendar days of the receipt of the customer's request for a conference.
3. Notify the customer in writing of the time, place and date scheduled for the conference.

The conference shall be informal and not governed by the Nebraska Rules of Evidence. Failure by the customer to attend the conference shall relieve the City of any further action prior to the disconnection of utility service.

The customer may, prior to the scheduled conference, give good and sufficient reason that they will be unable to attend the conference at the appointed time and date. The City shall make a reasonable effort to reschedule the conference.

The BPW Office Manager shall, based solely on the evidence presented at the conference, affirm, reverse, or modify any part of the disconnection notice which is a result of a disputed billing. The BPW Office Manager shall allow disconnection of utility service only when all less drastic remedies have been exhausted.

If the BPW Office Manager determines at the conference that the customer did not receive proper notice or was denied any other legal right, the employee shall recess and continue the conference at such time as the subscriber has been afforded his or her rights.

VI. Appeals

If the designated employee issues an opinion that is adverse to the customer, the customer may, within five (5) calendar days after the date the decision is issued, appeal in writing. The appeal will be heard before the Beatrice Board of Public Works General Manager.

Upon receiving a written request for an appeal, the utility will notify the customer of the location, date, and time of the hearing in writing. The date of the hearing will be at least seven (7) calendar days after the day the appeal request is received by the utility.

The customer may examine and copy, not less than three (3) business days prior to the hearing, the utility's file and records pertaining to the dispute.

At an appeal hearing, the customer may be represented by legal counsel or other representative or spokesperson.

The appeal hearing will be conducted as follows:

1. A representative of the utility will present the reason or reasons the utility issued the disconnect notice, a summary of the proceedings at the conference, and the decision by the designated employee.
2. The customer will next present his or her reasons for appealing the decision.
3. The representative of the utility will then have an opportunity to present any other information in response to the customer's presentation.
4. The customer will have a last opportunity to present information regarding why he or she feels the designated employee's decision should be reversed.

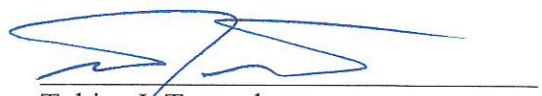
The customer may present witnesses and offer evidence. All witnesses may be cross-examined and confronted.

The customer may make or have made a record of the proceedings at his or her own expense.

A written copy of this appeal policy will be furnished to a customer upon request.

VII. Repairs

Interruptions of service or disconnections made pursuant to repair, maintenance, health, or safety reasons shall not constitute a disconnection for the purposes of this procedural policy.



Tobias J. Tempelmeyer
General Manager

Minutes from BPW Meeting held on March 11, 2015:

Moved by Moon, seconded by Baehr, to approve Board Policy #144 Procedural Policies for Utility Disconnection, as presented.

Roll Call: Yea: Eskra, Baehr, Leech, Moon, Moran
 Nay: None

MOTION CARRIED.